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October 16, 2022

VIA ECF

Honorable Naomi Reice Buchwald
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Polcom USA, LLC v. Affiliated FM Insurance Company, 1:20-cv-9206-NRB;
M. A. Mortenson Company v. Zurich American Insurance Company, 1:22-cv-0092-NRB

Dear Judge Buchwald:

All four parties in the above-referenced actions are jointly submitting this letter in response to Your Honor's Endorsed Letter filed October 6, 2023. The parties have agreed to proceed to mediation in an effort to resolve the actions. The parties are working to schedule a mutually acceptable mediator as soon as practicable, and believe they will have a mediator and mediation date in place soon. The parties jointly propose and request that the Court temporarily stay these matters while the parties proceed to mediation.

The parties will provide updates to the Court when the mediator has been selected and the mediation has been scheduled and at the conclusion of the mediation to report if the matter has been settled or if the parties intend to proceed into Phase II.

We appreciate the Court's attention to this matter and are available for a teleconference with the Court at the Court's convenience if necessary.

Respectfully submitted,

/s/John C. Ertman
Counsel for Plaintiff Polcom USA, LLC

/s/Rikke Dierssen-Morice
Counsel for Plaintiff M. A. Mortenson Company

Application
granted.
Naomi
Reice
Buchwald,
USDC
10/16/23

/s/Damon Vocke

Counsel for Defendant/Cross-Defendant Affiliated FM Insurance Company

/s/David Schoeggl

Counsel for Defendant/Cross-Defendant Zurich American Insurance Company

cc: Counsel of Record, *via* PACER